

Remarks/Arguments

Claims 1, 4, 6, 8 and 9 have been amended. Claims 2-3 and 10 have been cancelled. Claim 14 has been added.

The Examiner has objected to applicants' specification because the abstract of the disclosure does not commence on a separate sheet and because the specification fails to include section headings. Applicants submit herewith a Substitute Specification, including a clean version and a marked-up version showing changes made. The Substitute Specification includes section headings and the Abstract of the Invention commences on a separate sheet of the Substitute Specification. Applicants submit that no new matter has been added in the Substitute Specification. Applicants believe that the Substitute Specification overcomes the Examiner's objections.

The Examiner has rejected applicants' claims 1-13 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner has argued that the recitations in claim 1 "the said surface" are confusing and suggested amending claim 1 to recite "said surface." The Examiner has also argued that the recitation "means coupling" is confusing and suggested amending claim 1, line 5 to recite "a means for coupling." Applicants have amended applicants' claim 1 as suggested by the Examiner, thereby obviating the Examiner's rejection.

The Examiner has also argued that the limitation "the registering apertures" in claim 1, last line, lacks antecedent basis. Applicants submit that the limitation "the registering apertures," refers to the aperture in the support member and the aperture in the surface, which

are in register with one another, as recited in applicants' claim 1, lines 3-4. Applicants, therefore, believe that there is sufficient antecedent basis for the limitation "the registering apertures" and thus have retained this limitation.

The Examiner has also argued that the recitation "the said surface" in claim 3 is confusing and that there is insufficient antecedent basis for the limitation "the base" in claim 3. Applicants have cancelled claim 3, thereby obviating the Examiner's rejection.

Based on the above, applicants believe that applicants' claims, as amended, particularly point out and distinctly claim the subject matter which applicants regard as the invention and are thus in compliance with 35 USC 112, second paragraph.

The Examiner has rejected applicants' claims 1, 2 and 4 under 35 USC 102(b) as being anticipated by the Lai (U.S. 5,090,309) patent. The Examiner has also rejected applicants' claims 3 and 8 under 35 USC 103(a) as being unpatentable over the Lai patent in view of the Massonnet (U.s. Pat. No. 4,658,720) patent, and claims 5, 6, 9 and 11 under 35 USC 103(a) as being unpatentable over the Lai patent in view of the Ernst (U.S. 6,889,604) patent. Applicants' claims 10 and 12 have been rejected under 35 USC 103(a) as being unpatentable over the Lai patent in view of the Massonnet patent in further view of the Ernst patent. The Examiner has found applicants' claims 7 and 13 to be allowable if rewritten in independent form. Applicants have amended applicants' independent claim 1 and with respect to this claim, as amended, and its respective dependent claims, the Examiner's rejections are respectfully traversed.

Applicants' independent claim 1 has been amended to recite the compacting plate being slidably and pivotably coupled to the actuating rod such that in the storage position of the rod, the plate is coupled to the rod at a point intermediate its ends, the rod being

manoeuvrable to its operative position by sliding the rod along its own axis until the coupling means reaches one end of the rod, and then rotating the rod upwardly about said one end, and wherein the support member comprises a channel member extending in use across said surface, the aperture in the support member being formed in a base of the channel and the actuating rod being located in and slidable along the channel, the base of the channel forming an underside of the support member and the support member comprising a lip extending along each longitudinal edge of the channel member. The support for these features of applicants' amended claim 1 is found in applicants' drawings in FIGS. 1 and 5-9.

The features of applicants' invention recited in amended claim 1, unlike the cited art, are intended to allow applicants' compacting mechanism to be fitted to a surface of an open bin, for example a "fast food" type bin as illustrated in applicants' FIGS. 8 and 9, or to the surface of a kitchen worktop, or the like, below which a bin is located. On the other hand, the cited art of record is concerned with complete bin units incorporating a dedicated lid into which the compacting mechanism is integrated.

In addition, the compacting mechanism recited in applicants' amended claim 1, for both practical and aesthetic reasons, is such that it is substantially flush, when fitted, with an upper side of the surface on which it is fitted.

This result is achieved by using the channel (10A in FIGS. 1, 5 and 6) along which the actuating rod of the compacting mechanism is slideable and storable, so as to form an underside of the support member (10 in FIGS. 1, 5 and 6). The channel, along with a pair of lips, each of which extends along each longitudinal edge of the channel, allows the support member to be positively engaged within a correspondingly shaped and dimensioned recess in the upper surface (50 in FIGS. 8 and 9) of the bin. The lips may be used to screw or otherwise

secure the support member (10) in position, as illustrated in FIGS. 8 and 9. This arrangement, as recited in applicants' amended independent claim 1, provides a clean and flush finish to the mechanism (10) when it is fitted to the upper surface (50) of the bin.

Thus, in a kitchen setting or the like, the section of the surface (50) to which the compacting mechanism is fitted can be used as normal, for example allowing kitchen appliances and/or cookware to be safely/securely positioned directly on the compacting mechanism to allow uninterrupted use of the surface (50). FIG. 8 of applicants' drawings clearly shows such configuration of the bin with the compacting mechanism, in a storage position, being fitted substantially flush to the upper surface of the bin. In addition, because most bin surfaces, kitchen counters and the like are usually relatively thin, the use of the base of the channel (10A) to form the underside of the support member (10) gives the support member (10) a low-profile when it is integrated into the surface, unlike the bin lids described in the cited prior art references.

None of the prior art deals with such a countertop application for a compacting mechanism, and do not suggest or imply the solution of amended claim 1, and its respective dependent claims. In particular, the Examiner has acknowledged with respect to applicants' claims 3 and 8 that the Lai patent does not teach or suggest the support member with a channel for receiving the actuating rod. However, the Examiner has argued that the Massonnet discloses a compacting mechanism (4, 6) comprising a support member (3) having a channel (3a) for accommodating an actuating rod (6).

Applicants have reviewed the Massonnet patent, as well as the Ernst patent, and believes that neither the Massonnet nor the Ernst patent discloses or suggests the support member of the compacting mechanism comprising a channel member extending in use across

the surface of a refuse container, the base of the channel forming an underside of the support member and the support member comprising a lip extending along each longitudinal edge of the channel member. Specifically, the Massonnet patent discloses a refuse bin in which a compacting mechanism is incorporated into its lid. FIGS. 1, 2 and 7. The lid in Massonnet has a top surface and four sidewalls extending in a downward direction from the top surface, and the top surface includes a channel (3a) for accommodating an actuating rod (6) of the compacting mechanism. FIG. 1. In the Ernst patent, the compacting mechanism is also incorporated into the lid of the refuse container, which has a similar construction to that of the Massonnet patent, i.e. a channel formed in the top surface of the lid and having four sidewalls extending in a substantially downward direction from the top surface. See. FIGS. 4 and 8.

As stated above, all of the prior art references are thus concerned with complete bin units incorporating a dedicated lid into which the compacting mechanism is integrated, rather than a separate compacting mechanism which can be fitted to a lid or an upper surface of an open bin. Moreover, there is no showing or disclosure in either the Massonnet patent or the Ernst patent of the base of the channel forming an underside of the support member of the compacting mechanism and of the support member including a lip extending along each longitudinal edge of the channel. Instead, in the Massonnet and the Ernst patents, the underside of the support member, i.e. the lid, is formed by the lid's sidewalls and the lid's top surface, rather than a lip, which extends along each longitudinal edge of the channel, followed by the corresponding sidewall.

Accordingly, applicants' amended independent claim 1, which recites such features in combination with the other features of the claim, and its dependent claims, thus patentably distinguish over the Lai, Massonnet and Ernst patents, taken alone or in combination.

In view of the above, applicants' claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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Respectfully submitted,

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